

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 21, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Lewis Cheek and Council Members John Best, Jr., Howard Clement, III, Cora Cole-McFadden and Thomas Stith, III. Excused Absence: Council Member Tamra Edwards.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Records Management Coordinator Tonette Amos.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell read a proclamation proclaiming Community Development Week in the City of Durham.

Mayor Pro Tempore Cheek thanked everyone for the kindness expressed during the death of his mother.

Council Member Clement made comments on the Kick-Off for the 150th Birthday Anniversary for the City of Durham. He thanked the Public Affairs Department for a job well done.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner made comments on a class she recently attended "Center for Creative Leadership."

There were no priority items from the City Attorney and City Clerk.

Council Member Cole-McFadden requested a presentation in the future on the Weed and Seed Program.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any items from the Consent Agenda. The following items were pulled from the Consent Agenda: Items 8; 17; 34; and 35.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Mayor Bell made comments on the security measures the city is taking regarding the DATA bus system.

[EXCUSE COUNCIL MEMBER EDWARDS]

MOTION by Council Member Clement seconded by Council Member Stith to excuse Council Member Edwards from the meeting was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council minutes for the following meetings was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

December 4, 2002 – Special Meeting
February 18, 2003 - Special Meeting
March 17, 2003 - Regular Meeting
March 17, 2003 - Special Meeting

SUBJECT: CITY COUNCIL WORK SESSIONS – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

March 6, 2003
March 20, 2003

SUBJECT: LYON PARK ADVISORY BOARD - RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy on the newly established Lyon Park Advisory Board representing the Forest Hills neighborhood. The term will expire June 30, 2004 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies, and

To reappoint Cheryl S. Sweeney and Joseph Henry Yongue to the City/County Appearance Commission-terms expiring April 1, 2006 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION -
RECEIPT AND ACCEPTANCE OF AN APPLICATION**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application to fill one (1) vacancy - term will expire on August 31, 2005 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - RECEIPT AND ACCEPTANCE
OF AN APPLICATION**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application to fill one (1) vacancy to represent the vocation/profession of Energy and/or Transportation - term will expire on June 1, 2006 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: OVERTIME COMPLIANCE AUDIT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept the Overtime Compliance Audit dated March 2003 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CONTRACT COMPLIANCE FOLLOW-UP AUDIT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept the Contract Compliance Follow-up Audit dated March 2003 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: BID REPORT – FEBRUARY 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids which were acted upon by the City Manager during the month of February 2003 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

CITY OF DURHAM NORTH CAROLINA

March 24, 2003

MEMO TO: Marcia L. Conner, City Manager
THROUGH: Kenneth C. Pennoyer, Acting Finance Director
FROM: Joseph W. Clark, Purchasing Manager
SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of February 2003.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Estimated Two (2) Years Requirements for LP Gas – 28,000 gallons

Purpose of Bid:

Comments: Bids were mailed to several vendors, only one response was received.
This product is primarily used to operate small equipment and as a heating fuel for some remote locations.

Opened: February 21, 2003

Bidders: Energy United Propane, LLC *\$39,480.00
Durham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|-----|-----|
| Total Workforce | 181 | | # Black Males | 5 | 03% |
| Total # Females | 60 | 33% | # White Males | 113 | 62% |
| Total # Males | 121 | 67% | # Other Males | 3 | 02% |
| | | | # Black Females | 14 | 08% |
| | | | # White Females | 44 | 24% |
| | | | # Other Females | 2 | 01% |

LOCATION OF PERFORMING CONTRACT

Durham, NC

| | | | | | |
|-----------------|----|-----|-----------------|---|-----|
| Total Workforce | 13 | | # Black Males | 1 | 10% |
| Total # Females | 3 | 03% | # White Males | 8 | 60% |
| Total # Males | 10 | 97% | # Other Males | 1 | 10% |
| | | | # Black Females | 0 | 00% |
| | | | # White Females | 3 | 20% |
| | | | # Other Females | 0 | 00% |

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: Confined Space Entry/Removal Equipment

Purpose of Bid:

Comments: Bids were mailed to several vendors, only one response was received.

Opened: February 18, 2003

| | | |
|----------|--|--------------|
| Bidders: | Newton's Fire & Safety Sweptonville, NC | *\$14,452.00 |
|----------|--|--------------|

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 15 | | # Black Males | 0 | 00% |
| Total # Females | 1 | 07% | # White Males | 14 | 93% |
| Total # Males | 14 | 93% | # Other Males | 0 | 00% |
| | | | # Black Females | 0 | 00% |
| | | | # White Females | 1 | 07% |
| | | | # Other Females | 0 | 00% |

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: Gas Model Steamer Convection Oven

Purpose of Bid: To purchase a gas model steamer convection oven for the Durham Marriott Hotel and Civic Center.

Comments:

Opened: February 12, 2003

Bidders: US Foodservice *\$10,238.85

Raleigh, NC
Edward Don & Company
Norcross, GA

\$10,713.38

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|--------|-----|-----------------|--------|-----|
| Total Workforce | 29,662 | | # Black Males | 3,880 | 13% |
| Total # Females | 5,625 | 19% | # White Males | 17,677 | 60% |
| Total # Males | 24,037 | 81% | # Other Males | 2,480 | 08% |
| | | | # Black Females | 555 | 02% |
| | | | # White Females | 4,745 | 16% |
| | | | # Other Females | 325 | 01% |

LOCATION OF PERFORMING CONTRACT
Zebulon, NC

| | | | | | |
|-----------------|-----|-----|-----------------|-----|-----|
| Total Workforce | 524 | | # Black Males | 184 | 35% |
| Total # Females | 96 | 18% | # White Males | 236 | 45% |
| Total # Males | 428 | 82% | # Other Males | 8 | 02% |
| | | | # Black Females | 22 | 04% |
| | | | # White Females | 71 | 14% |
| | | | # Other Females | 3 | 01% |

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

4. Bid: Searchcam 2000 Tactical Surveillance Camera and Equipment

Purpose of Bid: To provide the police department with a surveillance camera and equipment.

Comments: This is a sole source item and is being purchased with Grant funds.

Opened: February 13, 2003

Bidders: Search Systems, Inc. *\$11,829.45
Bakersfield, CA

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|---|-----|
| Total Workforce | 12 | | # Black Males | 0 | 00% |
| Total # Females | 7 | 58% | # White Males | 4 | 33% |
| Total # Males | 5 | 42% | # Other Males | 1 | 08% |
| | | | # Black Females | 0 | 00% |

| | | |
|-----------------|---|-----|
| # White Females | 6 | 50% |
| # Other Females | 1 | 08% |

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

5. Bid: Project Management Software

Purpose of Bid: The intent of the Project Management Software is to have a fully integrated and project management system. This system will enable the Project Management Division of the Property and Facilities Management Department to readily track the financial and construction progress of Construction Projects, store existing Project Management related documents in the system, store newly generated project management and related documents and instantly retrieve any stored document.

Comments: The Project Management Software System was evaluated and awarded under the criteria from G.S. 143-129.8 for Information Technology Contracts. The contract was awarded to the submitter of the “best overall proposal” taking into account the following criteria: The Vendor’s proposed solutions will be evaluated according to the following criteria:

- Ability to meet the General Requirements
- Ability to meet the Operating System Requirements
- Ability to meet the Application Software System and Documentation Requirements
- Ability to meet the Hardware and Software Warranty Requirements
- Cost of system
- Existence of current vendor products to satisfy the requirement

Opened: January 7, 2003

| | | | |
|----------|---|--------------|---------------|
| Bidders: | Corecon Technologies, Inc. Huntington Beach, CA | (score 39.2) | \$10,475.00 |
| | CDP, Inc. Charlotte, NC | (score 10) | \$30,754.30 |
| | Meridan Project Systems, Inc. Merritt Island, FL | (score 58.3) | * \$38,222.00 |
| | Tenrox Montreal, Quebec, Canada | (score 52) | \$50,760.00 |

*Awarded based on: _____ Low Bid **X** Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-------|-----------------|----|-------|
| Total Workforce | 96 | | # Black Males | 0 | (0%) |
| Total # Females | 33 | (34%) | # White Males | 53 | (55%) |
| Total # Males | 63 | (66%) | # Other Males | 10 | (11%) |
| | | | # Black Females | 2 | (2%) |

| | | |
|-----------------|----|-------|
| # White Females | 24 | (25%) |
| # Other Females | 7 | (7%) |

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Estimated Annual Requirements for Tapping and Mechanical Fittings and Parts

Purpose of Bid: To provide Public Works/Water & Sewer Maintenance with their annual requirements for tapping and mechanical fittings and parts.

Comments: These parts are used in the day to day operations and maintenance of the water meters.

Opened: February 7, 2003

| | | |
|----------|-------------------------|--------------|
| Bidders: | TEC Utilities | *\$30,061.10 |
| | Garner, NC | |
| | Waterworks Supply, Inc. | \$35,878.25 |
| | Raleigh, NC | |

*Awarded based on: **X** Low Bid _____ Other (See Comments)

LOCATION OF PERFORMING CONTRACT
Garner, NC

| | | | | | |
|-----------------|----|-----|-----------------|---|-----|
| Total Workforce | 11 | | # Black Males | 0 | 00% |
| Total # Females | 2 | 18% | # White Males | 9 | 82% |
| Total # Males | 9 | 82% | # Other Males | 0 | 00% |
| | | | # Black Females | 0 | 00% |
| | | | # White Females | 2 | 18% |
| | | | # Other Females | 0 | 00% |

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

7. Bid: Cooling tower for City Hall

Purpose of Bid: To purchase a cooling tower for the City Hall HVAC replacement project

Comments:

Opened: January 16, 2003

| | | |
|----------|----------------------------|---------------|
| Bidders: | James M. Pleasants Company | * \$28,928.00 |
| | Greensboro, NC | |
| | Hoffman & Hoffman, Inc. | \$33,732.00 |
| | Raleigh, NC | |

P.A.C.E., Inc.
Charlotte, NC

\$34,715.00

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 77 | | # Black Males | 5 | 06% |
| Total # Females | 25 | 33% | # White Males | 47 | 61% |
| Total # Males | 52 | 67% | # Other Males | 0 | 00% |
| | | | # Black Females | 2 | 03% |
| | | | # White Females | 23 | 30% |
| | | | # Other Females | 0 | 00% |

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

8. Bid: Term Contract for Automotive Filters

Purpose of Bid: To provide the Fleet Maintenance Division with a two years term contract for automotive filters.

Comments:

Opened: January 17, 2003

| | | |
|----------|--------------------------|---------------|
| Bidders: | O'Reilly Auto Parts | * \$80,618.00 |
| | Springfield, MO | |
| | Walker Automotive Supply | \$86,220.37 |
| | Raleigh, NC | |

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|--------|-----|-----------------|-------|-----|
| Total Workforce | 12,376 | | # Black Males | 570 | 05% |
| Total # Females | 2,916 | 24% | # White Males | 7,243 | 58% |
| Total # Males | 9,460 | 76% | # Other Males | 1,647 | 13% |
| | | | # Black Females | 246 | 02% |
| | | | # White Females | 2,075 | 17% |
| | | | # Other Females | 595 | 05% |

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

9. Bid: Refurbished Digital Voice Recording System

Purpose of Bid: To provide the 911 Backup Center with a digital voice recording system

Comments: Bids were sent to several vendors and only one response was received

Opened: January 13, 2003

Bidders: Carolina Recording Systems, Inc. * \$14,044.00
Charlotte, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|---|-----|-----------------|---|-----|
| Total Workforce | 4 | | # Black Males | 0 | 00% |
| Total # Females | 1 | 25% | # White Males | 3 | 75% |
| Total # Males | 3 | 75% | # Other Males | 0 | 00% |
| | | | # Black Females | 0 | 00% |
| | | | # White Females | 1 | 25% |
| | | | # Other Females | 0 | 00% |

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: CONTRACT EXTENSION - CONTRACT NO. 2-185-02 - ESTIMATED ANNUAL REQUIREMENT FOR AGGREGATES - HANSON AGGREGATES SOUTHEAST, INC. - CAROLINA SUNROCK CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract extension with Hanson Aggregates Southeast, Inc. in the amount of \$150,077 for Section I – Aggregates – Delivered; Section III – Special Aggregates – Delivered; and

To authorize the City Manager to enter into a contract extension with Carolina Sunrock Corporation in the amount of \$61,010 for Section II – Aggregates – Picked Up, and

To authorize the City Manager to modify the contract extensions as long as the modifications do not increase the dollar amount of the contract and remain consistent with the general intent of contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: BIDS – SALE OF SURPLUS CITY EQUIPMENT – TRAILER MOUNTED ASHBROOK-SIMON-HARTLEY BELT FILTER PRESS - SYNAGRO SOUTHEAST, INC. -

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the high bid from Synagro Southeast, Inc., in the amount of \$20,001 for the sale of surplus City Equipment – Trailer Mounted Ashbrook-Simon-Hartley Belt Filter Press was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: EAGLE VILLAGE CDC - MURPHY STREET CONTRACT COMPLETION DATE EXTENSION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to approve the extension of the term of the Murphy Street Infrastructure Improvements Subrecipient Contract from April 30, 2003 to June 30, 2003, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CONTRACT FOR MASTER PLAN FOR RENOVATIONS AT CAMPUS HILLS RECREATION CENTER AND PARK - REGENBOGEN ASSOCIATES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract for the Campus Hills Recreation Center and Park Master Plan with Regenbogen Associates in the amount not to exceed \$35,800; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SPEED LIMIT REDUCTION – TWENTY-FIVE MILE PER HOUR

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a 25 mph speed limit for the following street segments was approved at

7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Glasson Street from Morreene Road to Mordecai Street;
Holton Street from Glasson Street to Mordecai Street;
Mordecai Street from Morreene Road to Glasson Street;
Luther Road from Rose of Sharon to the end of city maintenance; and
Shady Lane from Stardust Drive to end of city maintenance.

Ordinance #12782

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal Ordinance #12761 (#9), adopted March 3, 2003, authorizing the installation of a stop sign on Piedmont Terrace Court at Oak Grove Parkway, south corner (Grove Park); and

To adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Piedmont Forest Court at Oak Grove Parkway, south corner (Grove Park);
Shepherd Street at Forest Hills Plaza, southeast corner;
the Exchange entrance at Old Chapel Hill Road, northeast corner; and
Nutmeg Court at Bluestone Road, northwest corner.

Ordinance #'s 12783 - 12784

SUBJECT: SCHOOL ZONE – CHAPEL HILL ROAD/GITHENS MIDDLE SCHOOL

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing a 30 mile per hour speed limit on Chapel Hill Road in the area beginning at a point six tenths (0.6) miles west of the west curb line of Garrett Road, if extended, and extending for a distance of three tenths (0.3) miles westwardly in effect for 30 minutes before and after school begins and ends on school days only was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance # 12785

SUBJECT: ON-STREET PARKING ORDINANCES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal;

1. Ordinance #12712 (5), adopted December 16, 2002, prohibiting parking on the south side of Halley Street in the area beginning at the east curb line of Kent Street, if extended, and extending for a distance of 40 feet eastwardly;
2. Ordinance #12714 (1), adopted December 16, 2002, establishing a loading and unloading zone on the south side of Halley Street in the area beginning at a point 40 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 30 feet eastwardly;
3. Ordinance #12715, adopted December 16, 2002, establishing handicap parking on the south side of Halley Street in the area beginning at a point 70 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 40 feet eastwardly;
4. Ordinance #7318, adopted September 8, 1987, establishing a loading and unloading zone on the south side of Fernway Avenue in the area beginning at a point 111 feet east of the east curb line of Duke Street, if extended, and extending eastwardly for distance of 110 feet; and

To adopt an ordinance prohibiting parking at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

1. On the south side of Halley Street in the area beginning at the east curb line of Kent Street, if extended, and extending for a distance of 110 feet eastward;
2. On the northeast side of Cole Mill Road in the area beginning at the southeast curb line of East Oak Drive, if extended, and extending southeastward to the northwest curb line of Kimball Drive.

Ordinance #'s12786-12787

SUBJECT: INTERIM EQUAL BUSINESS OPPORTUNITY PROGRAM

To adopt an ordinance establishing the City's Equal Business Opportunity Program and repealing the City's Minority/Women Business Enterprise Ordinance.

(This item was moved to the 4/24/03 Work Session)

**SUBJECT: CITY-COUNTY INTER-LOCAL AGREEMENT CONCERNING
WORKFORCE INVESTMENT ACT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the Durham City/County Inter-Local agreement to serve as a designated local enforcement area, to establish a Local Workforce Board and to administer the Workforce Investment Act of 1998, and

To authorize the City Manager to make changes to the agreement before execution as long as the changes remain consistent with the general intent of the agreement was approved at 7:20 p.m. by

the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: APPROVAL OF CONTRACT FOR DESIGN OF ENO RIVER
GREENWAY, PHASE I - COULTER JEWELL THAMES PA**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Coulter Jewell Thames PA for \$96,000 with a contingency of \$25,000 for the design portion of the Eno River Greenway, Phase I; and

To authorize the City Manager to make changes to the contract as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: AMERICAN TOBACCO TRAIL CONSTRUCTION FUNDING WITH
IMPACT FEES**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to find that the construction of this new recreation facility (the American Tobacco Trail south of Cornwallis Rd.) is at least 10% necessitated by new development in Impact Fee Zone 1 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM CITY/COUNTY PLANNING COMMISSION ANNUAL
REPORT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Durham City/County Planning Commission Annual Report was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONVEYANCE OF AN EASEMENT TO DUKE ENERGY WITHIN
CLOSED PORTION OF RONEY STREET – ORDINANCE #12675, TAX
MAPS 60 & 61 – DURHAM CENTRAL PARK**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the Mayor to execute a terminable, non-exclusive deed of easement to Duke Energy within the closed portion of Roney Street described in Ordinance #12675 for a nominal consideration of \$10.00; and

To authorize the City Manager to make changes to the deed of easement so long as the changes are consistent with the intent of the agenda memorandum was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CONVEYANCE OF AN EASEMENT TO THE TRIANGLE RAILS TO TRAILS CONSERVANCY, INC. LOCATED ACROSS THE AMERICAN TOBACCO TRAIL SOUTH OF MASSEY CHAPEL ROAD

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the Mayor to execute a deed of easement to the Triangle Rails to Trails Conservancy, Inc. across the American Tobacco Trail Right-of-Way adjacent to the parcel of Triangle Rails to Trails Conservancy, Inc., PIN 0717-02-68-5764,TM 529-01-024N) was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: WATER & SANITARY SEWER SYSTEMS GIS DEVELOPMENT ENGINEERING SERVICES - BERRYMAN AND HENIGAR, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Berryman and Henigar, Inc. in an amount not to exceed \$1,040,000 for GIS Development Services, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ERP SYSTEM PHASE II CONSULTING SERVICE CONTRACT WITH SOFTRESOURCES, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the Enterprise Resources Planning (ERP) Systems Consulting Services, Phase II Contract with SoftResources in the amount of \$11,300, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CORRECTION OF A MOTION ON THE OCTOBER 21, 2002 AGENDA
ITEM #12 COMPUTER LEASE AGREEMENT-EPLUS GROUP, INC.**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a 36-month computer lease agreement with ePlus Group, Inc. in the amount of \$395,140; and

To authorize the City Manager to make changes to the agreement such that the amount paid by the City does not increase and the Lessor's obligations are not decreased was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CITIZENS SURVEY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Citizens Survey was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MULTI-MODAL TRANSPORTATION CENTER

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Multi-Modal Transportation Center was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ENTERPRISE RESOURCE PLANNING SYSTEMS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Multi-Modal Transportation Center was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: BARNES AVENUE REDEVELOPMENT PLAN

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to set a public hearing on May 5, 2003 to consider the proposed Barnes Avenue redevelopment plan was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SCHOOL CONSTRUCTION PERMIT – DR. ROBERT ZUCKER

To receive comments from Dr. Robert Zucker on the Lakewood school playing field.

Citizen did not appear at 4-10-03 Work Session.

SUBJECT: PROPOSED SALES TAX DISTRIBUTION AGREEMENT – COUNTY OF DURHAM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the City Manager to enter into an inter-local agreement with the County of Durham regarding the distribution of sales tax was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #8989

SUBJECT: AMENDMENT TO THE 2003 LEGISLATIVE PROGRAM – HOUSE BILL 554 – EXPAND PERMITTED USES OF 911 FUNDS

To adopt a Resolution Requesting that the City and County of Durham be added to House Bill 554 to Expand Permitted Uses of 911 Funds - amending the City of Durham's 2003 Legislative Program.

(This item was voted on and approved at the 4/10/03 Work Session with a vote of 4/0 – Resolution #8988)

SUBJECT: RECOMMENDATION TO CONTRACT WITH FOX LAWSON AND ASSOCIATES TO DEVELOP A PAY FOR PERFORMANCE PLAN FOR THE CITY OF DURHAM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Fox Lawson & Associates for the development of a Pay for Performance Plan in the amount of \$65,000, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: RESOLUTIONS MEMORIALIZING VARIOUS INDIVIDUALS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution Memorializing William Kimball Griffin, Sr.; and

To adopt a Resolution Memorializing Lance Corporal Brian E. Anderson; and

To adopt a Resolution Memorializing Oliver Edwards, Jr.; and

To adopt a Resolution Memorializing Margaret Harris Cheek was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #'s 8990, 8991, 8992, 8993

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: NORTHEAST CENTRAL DURHAM AUDIT FOLLOW-UP

Mayor Pro Tempore Cheek, Chair of the NECD Subcommittee, noted the committee was unable to meet on April 3rd and they will be rescheduling a meeting of the subcommittee in the near future.

Melvin Whitley; Dr. Lavonia Allison and Steve Hopkins spoke on this item.

MOTION by Council Member Clement seconded by Council Member Stith to receive the report from the Northeast Central Durham Subcommittee was approved at 7:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: MAJOR SITE PLAN APPROVAL - AMBERLYNN VALLEY
TOWNHOMES (D02-661)**

Dr. Lavonia Allison expressed concern with the number of units and the impact on schools.

MOTION by Council Member Clement seconded by Council Member Stith to approve a site plan for 121 townhomes and 5 detached single-family dwellings on a +17.24 acre site, located on the east side of Lynn Road, south of Gibson Road, and north of Highway 70. PIN 0840-07-58-7393, TM 593-01-017. City Street Atlas Page 31, Block C-2 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CLEARING OUTFALLS OF STORM DEBRIS – GARLAND
CONSTRUCTION COMPANY**

Dr. Anita Keith Foust expressed concern that the work is already being performed and asked the Council to rebid this item.

Lee Murphy, of the Public Works Department, made comments on this item addressing the remarks made by Dr. Anita Keith Foust.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to authorize the City Manager to execute a contract with Garland Construction Company in the amount of \$118,272 for clearing outfalls of storm debris, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Tamra Edwards.

**SUBJECT: RIGHT OF WAY MOWING AND LITTER REMOVAL CONTRACT
EXTENSION – DIXIE LAWN SERVICE, INC.**

Council Member Best made comments on this item.

MOTION by Council Member Best seconded by Council Member Stith to authorize the City Manager to extend Contract M99.1 for mowing and litter removal with Dixie Lawn Service, Inc. for one additional year, through December 31, 2003, for \$453,158, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:45 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Tamra Edwards.

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM AREA TRANSIT AUTHORITY - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to reappoint Patrick Hannah (Regular Member) and Matthew Latterell (Alternate Member) to the Durham Area Transit Authority with terms expiring March 1, 2006 was approved by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

To appoint citizens to fill two vacancies (Regular Member & Alternate Member) on the Durham Area Transit Authority with terms expiring March 1, 2004 and March 1, 2006.

By ballot, the City Council reappointed Leroy E. Tuckett (Regular Member – term expiring March 1, 2006 and appointed Thomas Beckett (Alternate Member – term expiring March 1, 2004) to the Durham Area Transit Authority.

SUBJECT: CONTRACTS

Council Member Cole-McFadden expressed concern on the following two contracts: Matrix Health & Safety and Storr Office Environments.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute the list of contracts outlined below [with the exception of Matrix Health & Safety and Storr Office Environments – additional information on these two contracts to be provided at the April 24, 2003 Work Session]; and

To authorize the City Manager to make changes to the attached list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

| Contractor | Contract Description | Dept | CT Amt |
|--------------------------------|---|---------|--------------|
| Linda Dickerson Interiors | Contract Amendment Increase contract amount by \$225.00 | CMO | \$ 225.00 |
| NCDOT Rail Division | Encroachment Agreement | P&R | NA |
| Alston Glenn | Harvest Fescue on City property John Jones Road | PFM | na |
| Carpenter Pointe Partnership | water & Sewer extention agreement | PW | NA |
| Coastal Federal Credit Union | Stormwater Agreement | PW | NA |
| Farrington Road Baptist Church | Stormwater Agreement | pw | NA |
| Bethesda Volunteer Fire Dept | Supplemental Fire Protection | Fire | \$ 10,290.00 |
| Cherry Bekaert & Holland | 4th year of 5 year contract-Audit Service | Finance | \$ 52,500.00 |
| AGRA Baymount Inc | Contract Amendment-Company name change | TS | NA |
| Becky Ward Consulting | Engineering Service-Riverside high school outbuildings- Utility Lines | P&R | \$ 15,070.00 |
| Lazaro Contracting | Demolition 812 Exum Street | Housing | \$ 1,195.00 |
| Marley Trucking | Demolition 1102 Calvin & 2610 Ashe | Housing | \$ 3,500.00 |
| Durham Central Park | Amendment #1 extending expiration date | PFM | NA |
| Griffin Industries | Cooking Oil Disposal | Env Res | \$ 150.00 |
| Bernard Greene | Official | P&R | \$ 1,200.00 |
| Rags to Riches | Children's Theater | P&R | \$ 510.00 |
| Valeria Sumpter | Water Aerobics | P&R | \$ 528.00 |
| Charlie Miles | Athletic Instructor | P&R | \$ 360.00 |
| Ronald Andrews | Swin Coach | P&R | \$ 800.00 |
| William Britt | Official | P&R | \$ 1,500.00 |
| John Burris | Official | P&R | \$ 1,500.00 |

| | | | |
|----------------------------------|---|-----|----------------------|
| Gaston Patterson | Umpire Clinic | P&R | \$ 1,500.00 |
| John Melvin | Official | P&R | \$ 2,500.00 |
| Jeffery Norris | Official | P&R | \$ 750.00 |
| James Winston | Official | P&R | \$ 1,200.00 |
| Wesley Clark | Official | P&R | \$ 1,000.00 |
| Bradlee Armstrong | Official | P&R | \$ 1,000.00 |
| Steven Truckenbrod | Official | P&R | \$ 1,200.00 |
| Michael Wright | Official | P&R | \$ 1,500.00 |
| Tracey Euliss | Contract amendment extending dates | P&R | \$ 200.00 |
| Christopher Ross | Martial Arts | P&R | \$ 792.00 |
| Brenda Thompson | Water Exercise Contract Amendment | P&R | \$ 300.00 |
| Terry Walker | Official | P&R | \$ 800.00 |
| Healing Water Inc | Contract Amendment- Increasing contract | P&R | \$ 2,000.00 |
| Sheila Kendrick | Contract Amendment Increasing contract | P&R | \$ 1,000.00 |
| Kendy Madden | Contract Amendment Increasing contract | P&R | \$ 400.00 |
| Mary Beth Boxler | Contract Amendment Increasing contract | P&R | \$ 300.00 |
| Dilsey Davis | 2 week summer art day camp | P&R | \$ 2,500.00 |
| Tree of Life Outreach Ministries | Lease of 109 E. Chapel Hill St | PFM | revenue \$950/mo. |

SUBJECT: BEER AND WINE PRIVILEGE LICENSES

Council Member Clement expressed concern with the following establishments Etna #3161; 3162; and 3163. He requested that the police department provide information at the upcoming work session on the number of police calls to these establishments.

MOTION by Council Member Stith seconded by Council Member Best to approve local beer and wine privilege licenses for the listed establishments [with the exception of Etna #'s 3161; 3162; and 3163 – additional information to be provided by the Police Department at the April 24, 2003 City Council Work Session was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ANDOVER APARTMENTS FINAL APPROVAL-1996 HOUSING BOND FUNDING TO NEW DIRECTIONS FOR DOWNTOWN, INC.

To allocate \$123,300 from 1996 Housing Bond Funds in the form of a construction/ permanent loan for Andover Apartments Project to be developed by New Directions for Downtown, Inc., contingent upon all project requirements being met,

To authorize the City Manager to execute a loan agreement and related documents concerning the loan, and

To authorize the City Manager to make changes to the loan agreement and/or other necessary documents as long as the changes do not increase the dollar amount of the loan and remain consistent with the general intent of the City's Housing Bond Funds Program.

Sandra Bumpass of the Housing Department made comments on this item.

It was recommended that this item be referred to the April 24, 2003 Work Session.

The developer Jack Preiss spoke in support of this item.

MOTION by Council Member Clement seconded by Council Member Stith to refer this item to the April 24, 2003 City Council Works Session was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CONDEMNATION OF PROPERTY ON BEHALF OF LH BOULEVARD LLC

It was noted by the City Attorney that a private developer has no condemnation authority.

MOTION by Council Member Clement seconded by Council Member Stith to find that it is necessary, in the public interest, and for the public use and benefit to condemn the following interests in the property identified as: (a) Tax Map 474-01-006, also known as PIN #0800-03-32-5253, and owned by New Hope Creek Partnership: (i) a fee simple in approximately 18,904 sq. ft.; (ii) a temporary construction easement of approximately 13,353 sq. ft.; (b) Tax Map 477-05-003, also known as PIN #0800-03-21-6997, and owned by the Blackwood Heirs: (i) a fee simple in approximately 12,986 sq. ft.; (ii) a temporary construction easement of approximately 8,440 sq. ft.; and (c) Tax Map 477-05-005, also known as PIN #0800-03-32-1113, and owned by Watkins Road Investors General Partnership: (i) a fee simple in approximately 54,322 sq. ft.; (ii) two temporary construction easements of approximately 6,241 sq. ft. and approximately 18,733 sq. ft., with the location of all the referenced parcels shown on the map entitled "Watkins Road Relocation," prepared by Triangle Surveyors, Inc., map dated February 21, 2003; and

To authorize the selection of an attorney that is acceptable to LH Boulevard, LLC and the City to initiate condemnation proceedings for that purpose, with deposits into court in the following amounts: \$53,900 for the interest in the property of New Hope Creek Partnership; \$55,000 for the interest in the property of the Blackwood Heirs, and \$192,800 for the interest in the property of Watkins Road Investors General Partnership as the City's estimate of just compensation; and

To authorize LH Boulevard, LLC to settle the condemnation action(s) by payment from its funds of whatever additional sum(s) that LH Boulevard, LLC finds to be satisfactory on terms and conditions acceptable to LH Boulevard, LLC and the City Manager in consultation with the City Attorney, provided all monies are paid by LH Boulevard, LLC, and

To authorize the City Manager to execute the Agreement between LH Boulevard, LLC and the City of Durham on Payment of Eminent Domain Expenses, and to make changes to such

Agreement, provided such changes are consistent with the general intent of the agenda memo was approved at 8:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: BARNES AVENUE UPDATE

Steve Hopkins noted he was a formal resident of Barnes Avenue and wanted to know if he would qualify for relocation assistance.

Housing Director Charlene Montford stated she would be able to provide Mr. Hopkins an answer within the next couple of weeks.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Barnes Avenue Update was approved at 8:10 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: WATTS HOSPITAL-HILLANDALE NEIGHBORHOOD ASSOCIATION
REGARDING I-85 WIDENING**

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to receive a request from Tom Miller and to adopt a resolution asking the NCDOT to provide noise abatement measures along the southern edge of the widened I-85 extending west from Hillandale Road to provide protection for the residential community located there was approved at 8:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Note: In lieu of a Resolution, a letter was forwarded by the Transportation Division to NCDOT concerning this item.

SUBJECT: THE PLIGHT OF THE HOMELESS IN DURHAM

Melvin Whitley expressed concern with the lack of detox facilities in Durham.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Dr. Anita Keith-Foust on the plight of the homeless in Durham was approved at 8:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: DURHAM CENTRAL PARK AND THE INDEPENDENT WEEKLY

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to authorize Durham Central Park and The Independent Weekly to sell beer for a fundraiser event on May 24, 2003 was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: Council Member Clement. Excused Absence: Council Member Edwards.

SUBJECT: HOUSING IMPROVEMENT ORDINANCES

Graylin Dawson of the Housing Department made comments on this item.

The following citizens spoke in support of this item: Melvin Whitely; Gene Cook; Rick Soles; and Fred Foster.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt an Ordinance Rewriting the Provisions of Article VIII, Chapter 6 of the Durham City Code Pertaining to Unsafe Buildings; and

To adopt an Ordinance Rewriting Section 10-129 of the City Code Regarding Collection of Cost of Enforcement for the Removal of Trash and Undergrowth from Property; and

To adopt an Amending the Housing Code Section 6-158(n) of the Durham City Code By Expanding Housing Code Demolition Liens to An Owner's Additional Property was approved at 8:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance #'s 12788, 12789, 12790

SUBJECT: JANITORIAL SERVICES AT DURHAM BULLS ATHLETIC PARK – CITYSCAPE MAINTENANCE GROUP, INC.

Cecil Byers, the owner of CityScape Maintenance Group, asked the Council to approve this item as printed.

Council Member Best raised concern with changing contractors after season had begun.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with CityScape Maintenance Group, Inc. for janitorial services at the Durham Bulls Athletic Park in the amount of \$489,675 for three years beginning May 17, 2003 – September 30, 2005; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro

Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: SEWER MAIN ON MARYWOOD DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 773-5-9 TO PARK PLACE AND PARK PLACE FROM MARYWOOD DRIVE TO END OF CUL-DE-SAC - MINI ASSESSMENT ROLL

To find that the property of John A. and Jan S. Hallenborg, identified as Tax Map 773-5-11, 9 Park Place, has benefited from the sewer main improvement and to confirm the assessment in the original amount of \$3,410.32.

Lee Murphy, of the Public Works Department, asked that the public hearing on this item be continued without further advertising and referred to the May 22, 2003 City Council Work Session.

The public hearing was opened by the Mayor.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising and refer this item to the May 22, 2003 City Council Work Session was approved at 8:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: 2003-2004 DRAFT CONSOLIDATED ACTION PLAN PUBLIC HEARING

To receive citizens' comments on 2003-2004 Draft Consolidated Action Plan.

Housing Director Charlene Montford made comments on this item.

Mayor Bell opened the public hearing.

The following citizens spoke on this item requesting support for various organizations: David Cook; Rhea Norwood; Nita McAdoo; Steve Hopkins; Selina Mack; Kim Norris; L. D. Burris; Paul Cornsweet; Frank Meachem; Glyndola Beasley; County Commissioner Joe Bowser; Carol Anderson; William Thomas; Eileen Bisgrove; Diane Wright; Steve Matherly; Lorisa Seibel; Gene Cook; Linzie Atkins; John Compton; Dabney Hopkins; Gloria Turner; Lanie Blum; and Malinda Todd.

Council Member Cole-McFadden spoke in support of funding the emergency rehab program for senior citizens.

The public hearing was closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the 2003-2004 Draft Consolidated Action Plan was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: RECTIFICATION OF CITY'S AND COUNTY'S VERSIONS OF ADOPTED LAND USE PLANS – HEBRON ROAD (A01-18)

To receive public comment on plan amendment (A01-18 – Hebron Road), and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the North Durham Plan from High Density Residential to Medium Density Residential in order to provide conformity with county adopted plans.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (01/23/02) (11-0)

Board of County Commissioners: Approved (04/22/02) (5-0)

Planning Director Frank Duke made comments on this item.

Mayor Bell opened the public hearing.

Dr. Lavonia Allison made comments on communication between the City and County governments.

The public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on plan amendment (A01-18 – Hebron Road), and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the North Durham Plan from High Density Residential to Medium Density Residential in order to provide conformity with county adopted plans was approved at 9:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #8994

SUBJECT: REZONING CASE P02-29 – SOUTHSIDE OF CHIN PAGE ROAD AND THE WEST SIDE OF PAGE ROAD, TILLET DEVELOPMENT

COMPANY, INC.

To receive public comment on rezoning Case P02-29 (Chin Page Road), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-29 out of RD and R-20 and placing same in and establishing same as R-5(D), RM-12(D), OI-2(D), GC(D) and I-2(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval of non-residential parts of project only OI-2(D), GC(D), I-2(D); denial of the RM-12(D) and R-5(D) parts – (7/0)

Planning Director Frank Duke briefed the Council on the staff report. He noted the Zoning Committee vote should read 5 to 2 in favor of the non-residential components of the request and in opposition to the residential components. He noted the stated reason for the Zoning Committee recommending against the residential component was school overcrowding.

Mayor Bell opened the public hearing.

Proponents

Attorney Jack Markham representing the applicant spoke in support of the request.

Opponents

Dr. Lavonia Allison raised concern with residential component of the request due to the impact on schools.

Mayor Bell expressed concern with the impact on schools and

Attorney Jack Markham noted the positive aspects of the development.

Council Member Cole-McFadden expressed concern with trailers being used by children during school hours. She stated she would not be supporting this request.

Mayor Pro Tempore Cheek made comments on the discussion held at the Joint City/County Planning Committee regarding assessing school impact fees and certain issues needing to be addressed.

The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P02-29 (Chin Page Road), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-29 out of RD and R-

20 and placing same in and establishing same as R-5(D), RM-12(D), OI-2(D), GC(D) and I-2(D) was approved at 10:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Mayor Bell and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

SUBJECT: [EXTEND MEETING]

MOTION by Council Member Best seconded by Mayor Pro Tempore Cheek to extend the City Council Meeting was approved at 10:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: REZONING CASE P02-80 - MORNING GLORY SENIOR VILLAGE, ELM STREET, MORNING GLORY AVENUE AND WORTH STREET – THE COMMUNITY BUILDERS, INC.

To receive public comment on rezoning Case P02-80 (Morning Glory Senior Village), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-80 out of R-3 and GC and placing same in and establishing same as RM-CN-40(D).

Planning Department Recommendation: Approval
Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Director Frank Duke briefed council on the staff report.

Mayor Bell opened the public hearing.

Proponents

Attorney Ken Spaulding, representing the applicant, spoke in support of the request.

Dr. Lavonia Allison spoke in support of open space in the area.

No one spoke in opposition. Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive public comment on rezoning Case P02-80 (Morning Glory Senior Village), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-80 out of R-3 and GC and placing same in and establishing same as RM-CN-40(D) was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best,

Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: REZONING CASE P02-81 ELM STREET TOWNHOMES LOCATED AT 930 EAST MAIN STREET – THE COMMUNITY BUILDERS, INC.

To receive public comment on rezoning Case P02-81 (Elm Street Townhomes), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-81 out of GC(D) and placing same in and establishing same as RM-CN-40(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Director Frank Duke briefed the Council on the staff report.

Mayor Bell opened the public hearing.

Proponents

Attorney Ken Spaulding, representing the applicant, spoke in support of the request.

George Wilson, Sr. spoke in support of the request.

No one spoke in opposition. The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive public comment on rezoning Case P02-81 (Elm Street Townhomes), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-81 out of GC(D) and placing same in and establishing same as RM-CN-40(D) was approved at 10:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: REZONING CASE P03-03 COMMUNITY SCHOOL FOR CHILDREN, INC. LOCATED AT 808 FOSTER STREET

To receive public comment on rezoning Case P03-03 (Community School), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-03 out of CT and placing same in and establishing same as OI-2.

Planning Department Recommendation: Approval
Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Director Frank Duke briefed the Council on the staff report. Mr. Duke noted there is no development plan associated with this request; therefore, the use would not be limited to a charter school. He noted the potential uses are less instructive than the current CT.

Mayor Bell opened the public hearing.

Proponent

Robert Chapman, representing Community School, spoke in support of this request.

Dr. Lavonia Allison requested information from the staff report concerning asbestos and lead in the building.

Mr. Chapman made comments on the asbestos and he noted the lead paint has been removed.

No one spoke in opposition. Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P03-03 (Community School), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-03 out of CT and placing same in and establishing same as OI-2 was approved at 10:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE P03-04 GLENVIEW PARK LOCATED 4618
FARRINGTON ROAD EAST OF THE I-40 OVERPASS – JOHN R.
MCADAMS COMPANY, INC.**

To receive public comment on rezoning Case P03-04 (Glenview Park), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-04 out of R-20; F/J-B and placing same in and establishing same as PDR-3.97.

Planning Department Recommendation: Approval
Zoning Committee Recommendation and Vote: Approval - (6-1)

Planning Director Frank Duke briefed the Council on the staff report.

Mayor Bell opened the public hearing.

Proponents

Bob Zewall, representing the applicant, spoke in support of the request.

Mr. Martin spoke in support of the rezoning.

Opponents

Debbie McCarthy spoke in opposition noting concern with density, traffic, and school impact at Githens and Jordan.

Mary Hart spoke in opposition to this rezoning due to traffic concern.

Dr. Lavonia Allison spoke in opposition citing concern with the quality of life in the area and school impacts.

Ann Akwari made comments on the buffer that has been committed to on the north east side of her property.

Rebuttal

The applicant made comments on the current townhomes in the area and peak hour trips.

Mayor Bell closed the public hearing.

MOTION by Council Member Best seconded by Council Member Clement to receive public comment on rezoning Case P03-04 (Glenview Park), and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-04 out of R-20; F/J-B and placing same in and establishing same as PDR-3.97 was approved at 11:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Mayor Bell and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

**SUBJECT: INITIAL ZONING CASE P03-05 – WINDRAM VETERINARY CLINIC,
NORTH SIDE OF 15-501 (DURHAM CHAPEL HILL BOULEVARD)**

Planning Department Recommendation: Approval

Planning Director Frank Duke briefed the Council on the staff report.

Mayor Bell opened the public hearing.

No one spoke in favor or in opposition to this item. The public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Best. to receive public comment on rezoning Case P03-05, and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P03-05 out of NC, R-20 (County) and placing same in and establishing same as NC, R-20 (City) was approved at 11:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: INITIAL ZONING CASE P03-07 - ABERNATHY PROPERTY 5247
BARBEE CHAPEL ROAD BETWEEN ALTA SPRINGS APARTMENTS
AND DOWNING CREEK SUBDIVISION**

Planning Department Recommendation: Approval

Planning Director Frank Duke briefed the Council on the staff report.

Mayor Bell opened the public hearing.

No one spoke in favor or in opposition to this request. The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Best to receive public comment on rezoning Case P03-07, and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P03-07 out of RD; F/J-B (County) and placing same in and establishing same as RD; F/J-B (City) was approved at 11:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: INITIAL ZONING CASE P03-09 - CARPENTER POINTE-PHASE III ON
THE NORTH SIDE OF CARPENTER ROAD, EAST OF SEABOARD
AIRLINE RAILROAD**

Planning Department Recommendation: Approval

Planning Director Frank Duke briefed the Council on the staff report.

Mayor Bell opened the public hearing.

No one spoke in favor or in opposition to this request. The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Best to receive public comment on rezoning Case P03-09, and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P03-09 out of RD; F/J-B (County) and placing same in and establishing same as RD; F/J-B (City) was approved at 11:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ZONING TEXT AMENDMENT - CHANGES TO BUFFER AND TREE PRESERVATION STANDARDS (TC03-4)

To receive public comment on zoning text amendment (TC03-4), and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC 03-4.

Zoning Committee Recommendation and Vote: Approval 7-0 with a change increasing the width of the right-of-way against which buffers would be applied to 65 feet.

Planning Department Recommendation - Approval as written with a recommended right of way width against which buffers would be applied as 50 feet.

Planning Director Frank Duke stated the recommendation is to approve the ordinance change as recommended by the Joint City/County Planning Committee to move forward with the wider buffers between very low density residential and other types of uses with the buffer width being applying on rights of ways of 50 feet or less and also providing for the preservation of specimen trees within buffer areas.

Also, Mr. Duke made comments on the number of text amendments done by the Planning Department this year which has delayed the UDO.

City Attorney Blinder disclosed that he was a resident of American Village.

Council Member Clement suggested withholding action on this item until the UDO is finalized.

Mayor Bell opened the public hearing.

John Parker spoke in support of this item and asked council to approve the ordinance amendment. He noted that the Zoning Committee supported this request.

Sharon Lunk spoke in support of this item. She also provided to Council additional changes offered by neighborhoods to better protect established Durham neighborhoods. Ms. Lunk asked the Council to support the ordinance and to incorporate the changes.

Olivia Singleton made comments on buffer distance from 20 feet to 30 feet. She noted this was a modest change.

Phil Lawless spoke in support of this item and asked Council to support the ordinance with the modifications provided by Sharon Lunk.

Mike Shiflett spoke in support of this item.

Opponents

Mike Wauldrop spoke in opposition to this request. He made comments on the affect of the text amendment if approved.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive public comment on zoning text amendment (TC03-4); and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC 03-4 **FAILED** at 11:43 p.m. by the following vote: Ayes: Council Member Cole-McFadden. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Excused Absence: Council Member Edwards.

[CLOSED SESSION]

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to hold a closed session to instruct staff concerning the possible price and terms of acquiring real property commonly known as “Rolling Hills” at foreclosure for housing development in accordance with NCGS 143-318.11 was approved at 11:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

By unanimous vote, the Council returned to open session at 11:47 p.m.

No action was taken.

There being no further business to come before the Council, the meeting was adjourned at 11:47 p.m.

D. Ann Gray, CMC
City Clerk

